



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

JOANNA G. BIEGER and ANDREW BIEGER, §  
Plaintiffs, §

vs. §

Civil Action No. 3:23-01641-MGL

CITY OF SUMTER, SUMTER POLICE §  
DEPARTMENT, SARGENT JEREMY §  
VANALLEN, *individually and as a Sumter* §  
*Police Officer*, SARGENT JAMES SINKLER, §  
*Individually and as a Sumter Police Officer*, §  
KENDRA DOW-KING, *individually and as a* §  
*Sumter Police Officer*, and DETECTIVE §  
ANDREA DICICCO, §  
Defendants. §

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING ACTION WITH PREJUDICE FOR FAILURE TO PROSECUTE**

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Plaintiffs Joanna G. Bieger and Andrew Bieger (collectively, Plaintiffs) brought this action in state court against the above-named Defendants, who removed the matter to this Court.

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending the Court dismiss this action with prejudice for failure to prosecute. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court

may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 15, 2023. To date, Plaintiffs have failed to file any objections.

“[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case under the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court this action is **DISMISSED WITH PREJUDICE** for failure to prosecute. All pending motions are **DEEMED AS MOOT**.

**IT IS SO ORDERED.**

Signed this 17th day of July 2023, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.